

DECISION

**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

FILE: B-216284

DATE: September 24, 1984

MATTER OF: King-Fisher Company

DIGEST:

1. A bidder may not revise its bid price downward when granting an extension of the bid acceptance period where revision has effect of displacing low bidder. To allow this would be tantamount to permitting a bidder to submit a second bid after bid opening.
2. Where it is clear from a protester's initial submission that the protest is without legal merit, GAO will neither request an agency report nor hold a conference on the protest, since no useful purpose would be served.

King-Fisher Company (King-Fisher) protests award of a contract to any firm other than King-Fisher under invitation for bids (IFB) No. DAHA30-84-D-0005, for a fire alarm system issued by the Department of the Army.

Bids were opened on May 16, 1984. King-Fisher states its bid was the third lowest price bid. According to King-Fisher, no award or request for extension of the bid acceptance period was made until after the 60-day bid acceptance period expired on July 16. On August 13, 1984, King-Fisher advises it was requested to extend its bid for 45 days. King-Fisher states it extended its bid and also lowered its bid price. According to King-Fisher, the revised bid price made it low bidder. King-Fisher advises that the contracting officer informally has notified it that the award will be made to the lowest bidder based on the original bids received on May 16, 1984. King-Fisher contends that it is the low bidder based on its revised price and should be awarded the contract.

We summarily deny the protest.

Acceptance of King-Fisher's extension would be improper as a prohibited post-bid-opening bid modification. The fact that the request was made and the extension received is of no consequence. King-Fisher's extension beyond the initial

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60 days which revised its bid price downward had the effect of displacing the low bidder under the IFB. To allow King-Fisher to modify its bid in this instance would be tantamount to permitting it to submit a second bid after bid opening contrary to competitive bidding principles. Milwaukee Valve Co., Inc., B-205937, June 14, 1982, 82-1 C.P.D. ¶ 575. In this connection, we previously have rejected the view that the request for an extension transforms an advertised procurement into a negotiated procurement and that a bidder can use his knowledge of bid prices to his advantage or to the disadvantage of other bidders by revising his price after bid opening. Northwest Packing Company, 50 Comp. Gen. 383 (1970).

Finally, King-Fisher requests a conference to discuss the protest. In cases such as this, where it is clear from the protester's initial submission that the protest is without legal merit, we neither request an agency report nor hold a conference, since to do so would not serve any useful purpose. Leroy Valentine, B-214035, Jan. 24, 1984, 84-1 C.P.D. ¶ 115.

for *Milton J. Dorolan*
Comptroller General
of the United States